

REMARKS

Claims 1-5, 7-10 and 12-33 are pending. Claims 17-32 stand withdrawn from further consideration as being directed to a non-elected invention.

Applicants thankfully acknowledge that claim 7 would be allowed if rewritten in independent form. For the reasons detailed below, however, it is respectfully submitted that all claims under consideration are allowable.

Claims 9, 10, 12 and 13 were rejected under 35 USC §103(a) as being unpatentable over Suenaga et al. in view of Ri et al. This rejection is respectfully traversed.

The Examiner acknowledges that Suenaga et al. does not disclose an adhesive layer having a surface roughness of 0.79 nm or less, as required by claim 9. Ri et al. is relied upon by the Examiner for its disclosure of a surface roughness of 0.1-0.5 nm. The Examiner concludes that one of ordinary skill in the art would have modified Suenaga et al. so that its adhesive layer would have a surface roughness of 0.1-0.5 nm instead of a surface roughness of 2-3 nm as allegedly taught by Suenaga et al.

In the first instance, however, Suenaga et al. does not disclose a surface roughness of an adhesive layer as asserted by the Examiner. The surface roughness of Suenaga et al. is that of the ferroelectric film not of the adhesive layer as required by claim 9. More specifically, Suenaga et al. discloses a method of measuring surface roughness of the ferroelectric thin film 12, as explained in Fig. 6 and at column 6, lines 47-67. A detailed estimation for the surface roughness of the ferroelectric film is discussed at column 7, lines 1-44, by referring to Figs. 7A and 7B of

Suenaga et al. Suenaga et al. fails to teach or suggest anything concerning the surface roughness of the adhesive layer.

Furthermore, contrary to the Examiner's assertions, applicants submit that there is no teaching in Ri et al. that the surface roughness of the adhesive layer is 0.1-0.5 nm. Ri et al. deals with TiN based buffer layer, not with an adhesive layer as required by claim 9. See paragraph [0016].

In explaining the rationale for combining the references, the Examiner states at the bottom of page 7 to the top of page 8 of the Office Action, that one of ordinary skill would have reason to predict that the adhesive layer with a 0.1-0.5 nm surface roughness would have continued functioning much as it did. However, as noted above, the surface roughness of both references is directed to different layers, not the adhesive layer required by claim 9. Accordingly, a combination of the cited references would not have taught or suggested the claimed invention. Favorable reconsideration is earnestly solicited.

Claims 14-16 were rejected under 35 USC §103(a) as being unpatentable over Suenaga et al. in view of Ri et al., as applied to claim 9, and further in view of Asano et al. Favorable reconsideration of this rejection is earnestly solicited.

As noted above, a combination of Suenaga et al. and Ri et al. fails to teach or suggest the features of claim 9. Furthermore, Asano et al. fails to provide the teachings which these references lack. Accordingly, claims 14-16 are patentable over the combination of references.

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Request for Reconsideration
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Claims 1-5, 7, 8 and 33 were rejected under 35 USC §103(a) as being unpatentable over Suenaga et al. in view of Ri et al. and Vente et al. Favorable reconsideration of this rejection is earnestly solicited.

Similar to claim 9, claim 1 requires that roughness of an upper surface of the adhesive layer is 0.79 nm or less. Vente et al. fails to provide the teachings which Suenaga et al. and Ri et al. lack. Accordingly, claims 1-5, 7, 8 and 33 are patentable for the same reasons discussed above with respect to claim 9.

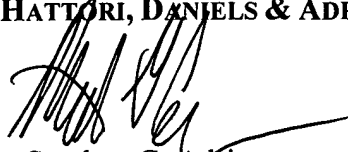
For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in better condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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